

Thompson vs. State, 11/10/2014

76

1 witness?

2 THE COURT: Yes, ma'am.

3 (A BRIEF PAUSE.)

4 MS. TURNER: May I approach the
5 witness, Your Honor?

6 THE COURT: Yes.

7 BY MS. TURNER: (Continuing)

8 Q. Do you recognize these?

9 A. Yes, ma'am.

10 Q. What are those?

11 A. They are the dispatcher's log sheets for
12 Tunica County Sheriff's Office.

13 Q. And what do they depict?

14 A. They depict my radio traffic notes in
15 order to -- call-ins with the -- Alex Wiley's
16 original traffic stop saying the license came in
17 eligible, but valid DL. That's what dispatch ran
18 that they logged in on the sheet here. And on the
19 second sheet, it's my traffic stop with Mr. Thompson
20 saying his license --

21 MR. COLOM: I'm going to object to him
22 testifying to what the document says if
23 it's not introduced into evidence. I
24 mean, he can identify it, but it hasn't
25 been introduced into evidence. So, it's

Thompson vs. State, 11/10/2014

77

3 THE COURT: He's identifying it now.

4 MS. TURNER: He's identifying the
5 radio traffic and what he was telling the
6 dispatcher.

7 THE COURT: He was testifying as to
8 what he's telling the dispatcher?

MS. TURNER: Correct.

10 THE COURT: He can testify to that.

16 MS. TURNER: Okay. I wasn't trying to
17 introduce them into evidence.

18 BY MS. TURNER: (Continuing)

19 0. And what was the date that this occurred?

20 A. February 12th.

21 0. of this year?

22 A. That's correct, 2014.

23 MS. TURNER: That's all I have.

24 THE COURT: You may cross-examine.

25 MR. COLOM: Thank you, Your Honor.

CROSS-EXAMINATION BY MR. COLOM:

Q. Good morning, Capt. Jones.

A. Good morning, sir.

Q. Now, I want to start by asking you about this investigation you had into Mr. Thompson and Mr. Wiley. So, before February 12th, 2014, you knew who Michael Thompson and Mr. Wiley were?

A. I knew the names.

Q. You knew their names?

A. That's correct.

Q. In fact, you knew that Mr. Thompson was the county administrator and Mr. Wiley was the county comptroller, right?

A. That's correct.

Q. And you also -- in fact, y'all were -- the Tunica County Sheriff's Office had opened an investigation into Mr. Thompson and Mr. Wiley, right?

A. Correct.

Q. And that investigation was issues, stuff -- business things referring to the county, and him and Mr. Wiley in a business together?

A. That's correct.

Q. Now, the sheriff, he knew about that investigation, didn't he?

Thompson vs. State, 11/10/2014

79

1 A. Yes.

2 Q. So, when y'all were running these licenses
3 of county employees, was that before or after y'all
4 had started this investigation into Mr. Thompson?

5 A. Before.

6 Q. Before, okay. So, when y'all ran
7 Mr. Thompson's -- did you run the license?

8 A. I ran Mr. Thompson's license -- well,
9 dispatch communications.

10 Q. Okay. And that was before the
11 investigation or --

12 A. I ran it before.

13 Q. Did the sheriff know that you were running
14 Mr. Thompson's license?

15 A. Yes. I informed the sheriff that
16 Mr. Thompson's license was suspended.

17 Q. So, you informed him. Did he know
18 beforehand that you were going to run Mr. Thompson's
19 license as far as y'all's investigation into him?

20 A. Yes, that's protocol.

21 Q. Okay.

22 A. That's in any investigation.

23 Q. Okay. So, the reason y'all were running
24 Mr. Thompson's license was because you were
25 investigating some business thing between him and

Thompson vs. State, 11/10/2014

80

1 Mr. Wiley, right?

2 A. Correct.

3 Q. All right. Now, after you ran
4 Mr. Thompson's license, you found out it was
5 suspended, right?

6 A. Yes, sir.

7 Q. And you told the sheriff?

8 A. Yes, sir.

9 Q. Do you know when that was?

10 A. I'm sorry?

11 Q. Do you know when that was? How soon to --
12 how close to February 12th was that?

13 A. It wasn't far from February 12th. I don't
14 know the exact time, sir, to be accurate with the
15 Court.

16 Q. Now, when you worked with the sheriff, did
17 the sheriff and you work closely together?

18 A. Yes.

19 Q. Did the sheriff ever tell you about a
20 disagreement he had with Mr. Thompson over what
21 authority the county administrator had over the
22 Sheriff's office?

23 A. No, sir.

24 Q. Whose idea was it to initiate -- well, let
25 me strike that.

Thompson vs. State, 11/10/2014

81

1 The sheriff is the top law enforcement officer
2 for the county, right?

3 A. That's correct.

4 Q. So, there was -- all investigations have
5 to be approved by him, right?

6 A. No, sir.

7 Q. Well, let me ask about the investigation.
8 Did an investigation with Mr. Thompson and
9 Mr. Wiley's business dealings together, did the
10 sheriff know about that investigation?

11 A. Yes, sir, he did.

12 Q. Did he approve of your investigation into
13 that?

14 A. It's not about approval in order to get an
15 investigation started. You know, I don't -- we
16 don't get approval. I didn't get approved from the
17 sheriff to investigate anyone.

18 Q. When did you inform him of the
19 investigation?

20 A. I think, maybe, January.

21 Q. What did he say in response to this
22 investigation into Mr. Thompson's business dealings?

23 A. Just look into it. That's pretty much it.

24 Q. He told you to look into it?

25 A. That's correct.

Thompson vs. State, 11/10/2014

82

1 MR. COLOM: Now, one second, Your
2 Honor.

3 BY MR. COLOM: (Continuing)

4 Q. So, a month before you arrested
5 Mr. Thompson for driving with a suspended license,
6 you and the sheriff had decided to do an
7 investigation into the dealings between Mr. Wiley
8 and Mr. Thompson, right?

9 A. Not necessarily a -- no, no, sir, it's not
10 necessarily a month. I don't want to put a -- say
11 something that's not true to the Court. I couldn't
12 tell you, at this point in time, when it initially
13 started.

14 Q. Well, you said -- you just testified it
15 was January 2014.

16 A. That don't mean it's months, sir. It
17 could be January 31st, 20th, you know, anytime.

18 Q. So, it may have been January 31st, 2014?

19 A. No, sir, I'm not saying that. You are
20 saying that.

21 Q. Do you know?

22 A. I don't know the exact date like I told
23 you.

24 Q. Do you have any idea?

25 A. I just answered that, sir.

1 Q. My question, do you have any personal
2 knowledge that you can tell the Court on what date
3 you initiated the investigation?

4 A. I can't without being untruthful. I'm not
5 going to do that. No, I can't.

6 Q. On the day you wrote Mr. Thompson a ticket
7 for driving with a suspended license, you were the
8 captain of Special Operations, correct?

9 A. Yes, sir.

10 Q. You were not patrolling, were you?

11 A. Yes, sir.

12 Q. You were not --

13 A. I'm a deputy. I'm a sworn deputy. Every
14 deputy that -- commander, chief, on down will
15 patrol. But deputies, first, and our second job
16 comes out to that because all of us will put on
17 uniform at any discretion and do our duties.

18 Q. Now, you recall this isn't my first time
19 questioning you?

20 A. No, sir.

21 Q. You testified before under oath in this,
22 right?

23 A. Justice court.

24 Q. You recall previously, me previously
25 asking you were you a patrolman and your answer

Thompson vs. State, 11/10/2014

84

1 being, no, I was not a patrolman?

2 A. No, sir, I'm not a -- I'm saying I'm not a
3 patrolman. I wasn't a patrolman. But what I'm
4 telling you is, in any given instance, we revert
5 back to being a patrolman. We got to -- whether
6 you're an investigator, Special Ops, commander,
7 chief. That's what we do here in Tunica.

8 Q. But you were not a patrolman?

9 A. No, sir. I wasn't a deputy on patrol on
10 that particular day if that's what you're asking me.

11 Q. You claim on February 12th, 2014 -- excuse
12 me -- yes, February 12th, 2014, you claim you were
13 conducting traffic control on that particular day,
14 correct?

15 A. Yes, sir. I was -- actually, I wasn't
16 conducting traffic control, sir. I was just
17 traveling, just driving, just obtaining that
18 particular vehicle that came in -- that was doing
19 illegal violations.

20 Q. Okay. So, now -- now, your testimony is
21 you weren't conducting traffic that day?

22 A. I'm always conducting traffic.

23 Q. Okay. So now --

24 A. If that answers your question.

25 Q. -- did you give anybody else a ticket on

Thompson vs. State, 11/10/2014

85

1 that day?

2 A. No, sir.

3 Q. So, the only traffic citation you gave on
4 February 12th, 2014 was Mr. Thompson?

5 A. That's correct.

6 Q. Now, you were not in a marked police car,
7 were you?

8 A. I wasn't.

9 Q. And you claim that you were traveling down
10 Highway 61 North when you observed a Ford Explorer
11 type vehicle traveling in the northbound lane,
12 correct?

13 A. Yes, sir.

14 Q. And you've seen that vehicle before,
15 right?

16 A. Yes, sir.

17 Q. Now, you knew that was Mr. Wiley then,
18 right?

19 A. Didn't know whose vehicle it was. I'm
20 sure it was. I mean, I didn't know whose vehicle it
21 was at that time.

22 Q. But you're sure it was Mr. Wiley?

23 A. Yes. He had a similar vehicle to that
24 nature.

25 Q. Right. And you claim that the driver of

Thompson vs. State, 11/10/2014

86

1 this vehicle was traveling back and forth over the
2 yellow line, correct?

3 A. Yes, that's correct.

4 Q. You claim that you saw the driver swerve
5 twice in making an illegal lane change, correct?

6 A. That's correct.

7 Q. You claim that you didn't know whether the
8 driver was drunk or needed some assistance, right?

9 A. That's correct.

10 Q. At this particular time, you initiated
11 your blue lights and stopped the vehicle, correct?

12 A. That's correct.

13 Q. When you approached the vehicle, the
14 driver was Alex Wiley and not Mr. Thompson, correct?

15 A. That's correct.

16 Q. All right. So, at that point,
17 Mr. Thompson was not driving with suspended license,
18 was he?

19 A. He wasn't.

20 Q. Mr. Wiley told you he was the comptroller
21 for the county, correct?

22 A. Yes, sir.

23 Q. Mr. Thompson was in the passenger side of
24 the vehicle, right?

25 A. That's correct.

Thompson vs. State, 11/10/2014

87

1 Q. After you pulled Mr. Wiley over, you ran
2 his driver's license, correct?

3 A. Yes, sir.

4 Q. When you ran Mr. Wiley's license, they
5 came back valid, eligible for reinstatement,
6 correct?

7 A. That's correct.

8 Q. All right. So, at that time, you had no
9 information that Mr. Wiley's drivers license was
10 suspended, did you?

11 A. Or valid, that's correct.

12 Q. Except for it said it came back valid,
13 eligible --

14 A. -- eligible for DL. That's -- that's
15 confusing. I never heard of that in 20-plus
16 years --

17 Q. Okay.

18 A. -- of law enforcement.

19 Q. Now, after hearing this from the
20 dispatcher, you asked Mr. Wiley what was going on
21 with his license, correct?

22 A. Yes, sir.

23 Q. Mr. Wiley told you he had gotten a ticket
24 in D.C., and you claim he told you he did not know
25 whether his license was valid or suspended? You

Thompson vs. State, 11/10/2014

88

1 claim that, don't you?

2 A. That's correct, he did.

3 Q. After you were told this, you asked
4 Mr. Thompson did he have a drivers license and
5 whether his license was valid, correct?

6 A. Yes, sir.

7 Q. And Mr. Thompson, you claim, told you his
8 license was valid, right?

9 A. That's correct, he did.

10 Q. Now, this is very important. You then
11 told Mr. Thompson that you needed him to drive that
12 vehicle, didn't you?

13 A. Needed him to drive the vehicle?

14 Q. Those were your words; that you needed him
15 to drive the vehicle?

16 A. Asked him would he -- could he drive -- if
17 the license was valid, could he drive the vehicle.
18 And I didn't force him to drive the vehicle if
19 that's what you're asking me.

20 Q. Do you recall giving that previous
21 testimony?

22 A. I recall you asking me that question.

23 Q. And your testimony was, you then told
24 Mr. Thompson that you needed him to drive the
25 vehicle? Wasn't that your testimony?

Thompson vs. State, 11/10/2014

89

1 A. I believe so, sir.

2 Q. All right. And that's the truth, isn't
3 it? That's what you told Mr. Thompson?

4 A. If I can relate to it, I believe so, sir.

5 Q. All right.

6 A. I don't have it in front of me, but I
7 believe so.

8 Q. Now, at the time you told Mr. Thompson you
9 needed him to drive the vehicle, you knew his
10 license was suspended, didn't you?

11 A. That's correct, previously. Didn't know
12 whether he had gotten them valid or reinstated that
13 day or what, didn't know.

14 Q. Right. But you knew -- the last time you
15 had checked Mr. Thompson's drivers license, you knew
16 it came back his license was suspended, right?

17 A. That's correct.

18 Q. So, when you told him "you need to drive,"
19 you knew that there was a chance that he was going
20 to be driving with a suspended license, right?

21 A. That's -- if he hadn't gotten it
22 reinstated, that's possible.

23 Q. All right. And your testimony was that it
24 was a practice at the time to run somebody's license
25 before you had them drive a vehicle? Didn't you

Thompson vs. State, 11/10/2014

90

1 testify to that?

2 A. That's correct.

3 Q. But you didn't follow that practice, did
4 you?

5 A. That's correct.

6 Q. And the reason you didn't follow that
7 practice, and be honest with the Court, is because
8 had you followed that practice, you wouldn't --
9 Mr. Thompson would have been informed his license
10 was suspended and you wouldn't have been able to
11 arrest him for driving with a suspended license
12 because, at that point, he hadn't driven; isn't that
13 true?

14 A. Mr. Thompson knew his license was
15 suspended just like I did.

16 Q. Okay. Now, you testified to what
17 Mr. Thompson knew. You're not Mr. Thompson, are
18 you?

19 A. No, sir.

20 Q. So, you can't testify to what Mr. Thompson
21 knows, can you?

22 A. Sir?

23 Q. So, you can't testify to what Mr. Thompson
24 knows because you're not him?

25 A. I can't testify what he knows.

Thompson vs. State, 11/10/2014

91

1 Q. All right. Now, from that point,
2 Mr. Thompson left the scene; is that correct? He
3 drove off?

4 A. Yes.

5 Q. And about five or six miles later, you
6 pulled him over, right?

7 A. No. Maybe, about two or three miles after
8 I got the -- after we got the initial report that
9 Mr. Wiley's license was valid, came back valid
10 through the Tennessee database.

11 Q. Okay. Well, I want to understand. You're
12 saying within two or three minutes, you coincidentally
13 got a call from Tennessee saying Mr. Wiley's license
14 was valid?

15 A. That's correct.

16 Q. All right. Now, you didn't give Mr. Wiley
17 a ticket for careless driving, did you?

18 A. No.

19 Q. That was the reason you pulled Mr. Wiley
20 over, wasn't it?

21 A. As a professional courtesy at my
22 discretion, he wasn't given a ticket for careless
23 driving or any -- or illegal lane change. That's
24 strictly the officer's, police officer or a deputy's
25 discretion anywhere.

Thompson vs. State, 11/10/2014

92

1 Q. So, you found it to give Mr. Wiley a
2 professional courtesy, but you didn't decide to give
3 that professional courtesy to Mr. Thompson, did you?

4 A. I couldn't per policy.

5 Q. Okay. So, you're saying that a written
6 policy says you must arrest somebody for driving
7 with a suspended license? You don't have any
8 discretion?

9 A. Yes, sir.

10 MR. COLOM: All right. Your Honor,
11 may I approach?

12 THE COURT: Yes.

13 MR. COLOM: Where's the policy?
14 Didn't the Court have the policy? May I
15 look at it?

16 THE COURT: Yes.

17 MR. COLOM: Thank you.

18 (A BRIEF PAUSE.)

19 MR. COLOM: Your Honor, may I
20 approach?

21 THE COURT: Yes.

22 BY MR. COLOM: (Continuing)

23 Q. Now, you point to me where in this policy
24 it says you have to arrest somebody for driving with
25 a suspended license.

Thompson vs. State, 11/10/2014

93

1 MS. TURNER: Your Honor, I'm going to
2 object because he's not laid the proper
3 predicate that this is the entire policy
4 of the sheriff's department.

5 MR. COLOM: Your Honor, this is the
6 policy they were referring to.

7 MS. TURNER: It is the policy
8 regarding arrest, but not necessarily the
9 whole policy of the sheriff's department.

10 MR. COLOM: Well, just let me ask my
11 question again, Your Honor.

12 THE COURT: All right.

13 BY MR. COLOM: (Continuing)

14 Q. The policy that the sheriff's office
15 brought to court today, does that policy say
16 anywhere that you got to arrest a person who drives
17 with a suspended license? You got no choice; you
18 got to arrest them? Does that policy say that?

19 A. Actually, it does if you're asking me.

20 Q. Let me approach.

21 A. "Revoked or Suspended Driver's License: A
22 driver may be arrested when an officer has stopped a
23 vehicle and identified the driver as driving with a
24 revoked or suspended license."

25 Q. Okay.

Thompson vs. State, 11/10/2014

94

1 A. If the officer is unable to stop the
2 vehicle in a timely manner, he should {sic} seek a
3 warrant for the violator's arrest.

4 Q. okay.

5 A. It does say that.

6 Q. All right. Let me reverse it. Now, you
7 understand the words "may be," don't you?

8 A. I'm sorry?

9 Q. You understand the word "may"?

A. That's correct.

11 Q. It doesn't say a driver shall be arrested,
12 does it?

13 A. It doesn't.

Q. It says a driver may be arrested.

15 A. Okay.

16 Q. And "may be arrested" means the officer --
17 he may not be arrested as well, doesn't it? May
18 doesn't mean it's mandatory, does it?

19 A. No, it doesn't.

20 Q. Because shall -- if it was mandatory, the
21 policy would have said a driver shall be arrested,
22 wouldn't it?

A. That's correct.

Thompson vs. State, 11/10/2014

95

1 MS. TURNER: Objection, Your Honor.

2 There's been no predicate laid that that's
3 the entire policy of the sheriff's
4 department.

5 MR. COLOM: Your Honor, this is the
6 policy that they gave to the Court to
7 read.

8 THE COURT: The sheriff gave that
9 policy to the Court, to me.

10 MS. TURNER: May the sheriff review it
11 to see if it's the whole policy? Let him
12 review it. I asked him to bring the
13 policy regarding stops only, nothing else.

14 MR. COLOM: Well, Your Honor, the time
15 for that correction has passed. They
16 introduced this into evidence --

17 MS. TURNER: We didn't introduce it.

18 MR. COLOM: Excuse me. Well, it's
19 improper for the Judge to look at it.
20 They gave it to the Court. The Court
21 looked at it. If it's not in evidence,
22 the Court shouldn't have been looking at
23 it.

24 MS. TURNER: It's not evidence. It
25 was --

Thompson vs. State, 11/10/2014

96

1 MR. COLOM: Okay. Well, Your Honor, I
2 move it into evidence. It's a document
3 that they provided. If they didn't
4 provide the entire policy, that's their
5 fault. That's not a basis not to
6 introduce it into evidence.

7 THE COURT: Well, I'm going to rule
8 that based on what the sheriff handed to
9 me that was handed to this witness.

10 MR. COLOM: Yes, sir.

11 THE COURT: And this witness then read
12 from that document that the sheriff handed
13 to me and, basically, said that that was
14 the policy.

15 MR. COLOM: Thank you, Your Honor.

16 (EXHIBIT NO. 1, POLICY, WAS ADMITTED INTO EVIDENCE.)

17 THE COURT: Now, let me just say this:
18 I'm not saying that's the entire policy,
19 but that document that you read from just
20 now --

21 THE WITNESS: Right.

22 THE COURT: -- was given to me by the
23 sheriff.

24 THE WITNESS: Yes, sir.

25 THE COURT: All right. I believe that

1 document contains what was read by this
2 witness to you as the policy.

3 MR. COLOM: Right. Thank you, Your
4 Honor.

5 BY MR. COLOM: (Continuing)

6 Q. Now, you weren't in here when the sheriff
7 happened to testify, but let me -- if Sheriff Hamp
8 testified that it was the policy of the sheriff's
9 office to give officer discretion when it came to
10 arresting a person who was driving with a suspended
11 license, that testimony would have been wrong? Is
12 that what you're saying?

13 A. Now, repeat that to me again.

14 Q. Okay. If Sheriff Hamp testified --

15 A. Had testified?

16 Q. -- testified that officers had discretion
17 over whether they arrested someone who was driving
18 with a suspended license, your testimony is that
19 would have been wrong; that's not possible?

20 A. Are you saying that Sheriff Hamp testified
21 to that, or you're asking me something what he --

22 Q. I'm asking you a question. My
23 understanding is your testimony is that you don't
24 have any discretion, although the policy said may be
25 arrested, you don't have any discretion when --

Thompson vs. State, 11/10/2014

98

1 A. Again --

2 Q. Let me finish my question.

3 A. Okay.

4 Q. You don't have any discretion when it
5 comes to arresting somebody driving with a suspended
6 license? You got no discretion? Is that your
7 understanding of the policy or not?

8 A. That's what -- my understanding of the
9 policy. That's not the whole policy, sir. I have
10 here, if you would like to read it --

11 Q. No, I don't. I want you to answer my
12 question.

13 A. I'm sorry. I can't answer that question.
14 I don't know what you're asking me about the policy.

15 I know it's not the whole policy, Your
16 Honor. I can't quote. You know, I mean, it's --
17 it's -- I'm sorry. I don't know how to answer that.

18 Q. Now, let me ask you this: Before you
19 pulled over Mr. Thompson, he didn't commit any
20 traffic violation, did he?

21 A. No, sir.

22 Q. He didn't speed, right?

23 A. No.

24 Q. He didn't do a careless or reckless
25 driving?

Thompson vs. State, 11/10/2014

99

1 A. Well, I didn't -- I didn't see what he did
2 along the way. Before I -- when I caught up with
3 Mr. Thompson, he was getting ready to turn into the
4 rear of the Wendy's, the BP/Wendy's.

5 Q. All right. So, again, you had no probable
6 cause that he committed any traffic violations, did
7 you?

8 A. No, sir.

9 Q. And so, in fact, the only reason you
10 pulled Mr. Thompson over was because you thought he
11 might be being deceptive, right?

12 A. Yes, lying to me.

13 Q. All right. And so, your understanding is
14 and what you're telling the Court is, you as a
15 former police officer, you had the ability under the
16 laws of the United States' Constitution to pull
17 somebody over because you thought they were being
18 deceptive?

19 A. That's -- one of my jobs as being a -- let
20 me answer your question -- as being a Special
21 Operations officer deals with individuals coming
22 through here with large quantities of narcotics all
23 through the day and night and people lie all the
24 time. Being deceptive is one of the things that I'm
25 trained to key on when it comes down to interviewing

Thompson vs. State, 11/10/2014

100

1 individuals inside of a vehicle and outside their
2 vehicles. Mr. Thompson lied to me. I'm not saying
3 that I'm going against the Constitution, but that's
4 what happened.

5 Q. But here's what's important. Are you
6 telling this Judge that you, as a police officer,
7 are allowed to pull somebody over because you think
8 that they are lying?

9 A. No, sir.

10 Q. All right.

11 A. I'm not saying that.

12 Q. So, really, you're admitting to the Judge
13 that you had no probable cause to pull Mr. Thompson
14 over, did you? You had no probable cause that he
15 had committed a violation of any law, did you?

16 A. I have probable -- I had no probable cause
17 -- my probable cause on Mr. Thompson is stop lying
18 to me.

19 Q. Okay. So, your understanding is you can
20 pull over any citizen in the State of Mississippi if
21 you think they're lying to you?

22 A. No, sir, not any citizen.

23 Q. And Mr. Thompson has the same rights as
24 every other citizen?

25 A. That's correct.

Thompson vs. State, 11/10/2014

101

1 Q. Right?

2 A. Yes, sir.

3 Q. You can't pull over everybody because you
4 think they're lying. You can't pull over
5 Mr. Thompson if you think he's lying, can you?

6 A. No. I didn't -- I didn't say I could pull
7 over Mr. Thompson or anybody or every other citizen
8 either, sir.

9 Q. All right. Now, other than that one
10 instance when you saw Mr. Thompson driving with a
11 suspended license after you told him he needed to
12 drive, right, you never saw Mr. Thompson drive with
13 a suspended license again, did you?

14 MS. TURNER: Your Honor, he keeps
15 paraphrasing by saying you told him he
16 needed to drive. That wasn't the
17 testimony you heard today. He keeps
18 saying that over and over.

19 MR. COLOM: Your Honor, let me clear
20 this up.

21 MS. TURNER: He said he needed to
22 drive.

23 MR. COLOM: That, in fact, was his
24 testimony. And, in fact, we can clear it
25 up. We can go to his previous testimony

Thompson vs. State, 11/10/2014

102

1 if you want.

2 BY MR. COLOM: (Continuing)

3 Q. But let's be clear to the Court. You told
4 Mr. Thompson he needed to drive, didn't you? That's
5 what you previously testified to and that's what you
6 testified to today?

7 A. Sir, I don't know exactly what I told
8 Mr. Thompson.

9 Q. Okay.

10 A. Now, I don't know where my -- what's going
11 on in the -- my statement or things like that, but
12 if you're saying that I forced him to drive a
13 vehicle, that's not true.

14 Q. All right.

15 A. If I said he needed to drive the vehicle
16 once he told me his license was valid, then I told
17 him he needed to drive the vehicle, but I don't
18 know. I can't say right now.

19 Q. You want me to refresh your recollection
20 as to your previous testimony?

21 A. Yes, sir, you can.

22 MR. COLOM: Your Honor, may I
23 approach?

24 THE COURT: Yes, you may.

25 BY MR. COLOM: (Continuing)

Thompson vs. State, 11/10/2014

103

1 Q. All right. Go to Page 17 -- Page 7,
2 actually. Go to Page 15 -- let's actually just --
3 let's start at line 11, okay?

4 A. Okay.

5 Q. You agree with me this is your testimony,
6 correct?

7 A. Right.

8 Q. All right. Now, read silently while I
9 read out loud. "From that point, I asked
10 Mr. Thompson to wait for awhile, for a minute. And
11 after that particular point, I went and asked
12 Mr. Thompson do he have a drivers license. He
13 stated, yes. I asked him, are your license valid?
14 He said, yes. I said, you need to take control of
15 the vehicle." Didn't I read that testimony
16 correctly?

17 A. That's correct.

18 Q. Okay.

19 A. That is what's written here.

20 Q. In fact, let's go to another page where I
21 asked you about this again. Let's go to page --
22 this is still your testimony. Here, let's go to
23 Line 5. This is a question from me. "Well, he
24 didn't have time to drive the vehicle, did he --
25 excuse me. Well, he didn't have to drive the

Thompson vs. State, 11/10/2014

104

1 vehicle, did he? Somebody else. He could have left
2 the vehicle there." That's my question, right? I
3 read that correctly?

4 A. That's correct.

5 Q. And your answer was "He could have called
6 his cousin from Chicago to get it. That's up to
7 him." My question, "So, you told him to drive the
8 vehicle?" Answer, "That's correct," right?

9 A. That's correct what you're reading.

10 Q. All right. Now, prior you said that
11 Mr. Thompson drove a county vehicle. Have you ever
12 seen him drive a county vehicle?

13 A. Yes, sir, I have.

14 Q. What kind of vehicle?

15 A. It's a white, like Crown Vic type vehicle.

16 Q. Okay. How many times did you see him
17 drive it?

18 A. Once.

19 Q. Once, okay. Was it before or after you
20 knew his license was suspended?

21 A. Before.

22 Q. Okay. Before. Now, after you found
23 out --

24 A. My fault. Let me rephrase that. It was
25 before and after.

Thompson vs. State, 11/10/2014

105

1 Q. You saw him before and after?

2 A. That's correct.

3 Q. Okay. So, when you saw --

4 A. I saw him. I saw him. I saw him once. I
5 don't know when his license was -- I do know when
6 his license got suspended, but it was before.

7 Q. All right. So, did you see him drive this
8 white Crown Victoria after you found out his license
9 was suspended?

10 A. I really can't say to the Court. I really
11 can't.

12 Q. Okay.

13 A. I'm being accurate.

14 Q. Now, after you arrested Mr. Thompson, you
15 let Mr. Wiley drive that vehicle, didn't you?

16 A. That's correct. After, finally, his
17 license came back eligible.

18 Q. Now, even though the policy says that you
19 may arrest a driver when they're driving with a
20 suspended license, you decided to arrest
21 Mr. Thompson, didn't you?

22 A. That's correct.

23 Q. When you arrested Mr. Thompson, you called
24 the sheriff, didn't you?

25 A. I called, that's correct. I did later on

Thompson vs. State, 11/10/2014

106

1 when I -- after I got Mr. Thompson taken care of
2 down to the sheriff's office.

3 Q. Why did you call the sheriff?

4 A. To let him know that the county
5 administrator had got arrested, got arrested.

6 Q. Okay. What did you tell him?

7 A. Same thing I just said.

8 Q. Did you tell him anything else?

9 A. No, sir.

10 Q. Did you tell him anything about
11 Ellis Pittman or anything like that?

12 A. No.

13 Q. All right. So, after he was arrested and
14 taken -- did you go with him when he was booked?

15 A. That's correct. I came. I came there
16 right after they got Mr. Thompson down to the
17 sheriff's office.

18 Q. Now, after Mr. Thompson was arrested,
19 somebody from the Tunica County Sheriff's Office
20 sent out a press release about his arrest; isn't
21 that true?

22 A. I believe so. That -- that -- I don't
23 know when, but I saw -- I'm sure I heard of it.

24 Q. Okay. Right. And the reason they sent
25 out that press release notifying the public of

Thompson vs. State, 11/10/2014

107

1 Mr. Thompson's arrest is because they wanted to
2 embarrass him, right?

3 A. I don't know.

4 Q. Do they always send out -- did the
5 sheriff -- in your experience, does the sheriff's
6 office always send out press releases announcing
7 people's arrest?

8 A. On a lot of people, yes, sir.

9 Q. Okay. But not everybody?

10 A. I don't know. I don't get involved in
11 that. So, I really can't testify to that.

12 Q. How long have you been working for the
13 Tunica County Sheriff's Office, Officer Jones?

14 A. Approximately, four years.

15 Q. Four years. I mean, I'm sure during those
16 four years you've given people tickets for driving
17 with suspended license before, right?

18 A. Yes.

19 Q. Any of those previous instances where you
20 gave that person a ticket for driving with a
21 suspended license, did y'all send out any press
22 releases notifying the public of that arrest?

23 A. I think there's a list of individuals that
24 -- I really don't know what's the protocol on that.
25 So, it's hard for me to testify to that. I don't

Thompson vs. State, 11/10/2014

108

1 know. I don't want to say anything that's not
2 accurate, nor true. I don't know, sir.

3 Q. So, to the best of your knowledge, did the
4 sheriff's office, other than on Mr. Thompson, send
5 out press releases?

6 MS. TURNER: Objection, Your Honor.

7 This has been asked and answered. He says
8 he doesn't know.

9 MR. COLOM: I'll move on.

10 THE COURT: What was his answer to
11 that?

12 MR. COLOM: I'll move on.

13 THE COURT: All right.

14 BY MR. COLOM: (Continuing)

15 Q. Now, when you told Sheriff Hamp that he --
16 that Mr. Thompson's license was suspended, did he
17 tell you that he was having any conflicts with
18 Mr. Thompson?

19 A. No, sir.

20 Q. To the best of your knowledge, did he tell
21 anybody at the Tunica County Sheriff's Office about
22 these disagreements he was having with Mr. Thompson
23 over the budget?

24 A. I don't have a clue.

25 Q. All right. Now, would you agree with me

1 that if you had not told Mr. Thompson that he needed
2 to drive the vehicle or if you had -- excuse me.

3 Strike that.

4 You said that two or three minutes after
5 Mr. Thompson drove off, you found out that
6 Mr. Wiley's license was actually valid, right?

7 A. That's correct, notified by Tennessee.

8 Q. So, if you had waited a couple of more
9 minutes before telling Mr. Thompson he needed to
10 drive, Mr. Wiley would have been able to keep
11 driving, wouldn't he?

12 A. That's correct. That's possible.

13 Q. So, Mr. Thompson wouldn't have been
14 driving? You wouldn't have seen Mr. Thompson
15 driving?

16 A. That's correct.

17 Q. So, in fact, if you hadn't told
18 Mr. Thompson that he needed to drive, Mr. Thompson
19 wouldn't have been driving with suspended license
20 that day, would he?

21 A. I'm sure he probably would have. I didn't
22 make Mr. Thompson do anything, nor that -- I was
23 strict professional with Mr. Thompson. He can
24 attest to that, nor did I advise Mr. Thompson to lie
25 to me. I didn't do any of that. If he had just

Thompson vs. State, 11/10/2014

110

1 told me the truth, "I can't drive, sir. My license
2 is suspended," yes, sir, it would have been done.

3 Q. Now, you keep accusing Mr. Thompson of
4 lying. You understand that, right?

5 A. I understand that.

6 Q. Okay. You would agree with me for
7 somebody to be lying they got to know something
8 they're saying is false, right?

9 A. That's correct.

10 Q. All right. And, again, we've already gone
11 over this. You can't testify to what Mr. Thompson
12 knows, can you?

13 A. I'm not trying to testify for
14 Mr. Thompson. I'm trying to answer your question
15 that you asked me.

16 Q. Okay. So, you can't really say
17 Mr. Thompson lied to you when he told you his
18 license was valid? He could have thought his
19 license was valid, couldn't he?

20 A. That's possible.

21 Q. He could have forgot that he got a ticket
22 in Montgomery County and that's why he forgot to
23 pay, right?

24 A. He could have forgot.

25 Q. Okay. Mr. Thompson is the county

Thompson vs. State, 11/10/2014

111

1 administrator for Tunica County, right?

2 A. That's correct.

3 Q. So, he's not struggling for money, is he?

4 He can pay a ticket?

5 A. I don't know. I don't know anything about
6 Mr. Thompson's financial ability.

7 Q. You agree that people forget to pay
8 tickets sometimes, right?

9 A. That's -- I'm sure it will slip their
10 minds.

11 Q. Okay. So, you accused Mr. Thompson of
12 lying. When you say under oath Mr. Thompson lied to
13 you, that's something you really probably shouldn't
14 say?

15 A. No, I should say it.

16 MS. TURNER: Objection, Your Honor.

17 He's going over this over and over whether
18 or not he was lying. He's already
19 testified that, in his mind, he was lying
20 to him. That was his belief at the time
21 that he lied.

22 THE WITNESS: That's correct.

23 MS. TURNER: That was the officer's
24 belief.

25 MR. COLOM: Can I just respond to that

Thompson vs. State, 11/10/2014

112

1 for the record? what the problem is, the
2 officer had no basis for that accusation.
3 And I understand it a little bit, but when
4 you accuse somebody of lying, as a sworn
5 officer via sworn testimony that
6 somebody's lying, you know, that's a
7 pretty strong accusation to make against
8 somebody who has integrity like
9 Mr. Thompson.

10 MS. TURNER: Objection, Your Honor.
11 Now, he's testifying.

12 MR. COLOM: I'm responding to your
13 objection, which I'm allowed to do for the
14 record. So, let me finish, please,
15 responding to the objection.

16 When you assault someone's integrity
17 like this officer is doing, I have a right
18 to question the officer about the basis of
19 that thought accusation. That's all I'm
20 doing, but I can move on.

21 THE COURT: Okay.

22 MR. COLOM: Your Honor, may I consult
23 with my client?

24 THE COURT: All right.

25 (A BRIEF PAUSE.)

Thompson vs. State, 11/10/2014

113

1 MR. COLOM: A few more questions, Your
2 Honor.

3 BY MR. COLOM: (Continuing)

4 Q. Do you know if there's an arrest warrant
5 for Mr. Thompson from Montgomery County?

6 A. Yes. There was an arrest warrant for
7 Mr. Thompson from Montgomery County. I don't know
8 what's -- well, I don't know. You're saying are
9 there arrest warrants now or then?

10 Q. Let me ask you this: when did you find
11 out about this arrest warrant from Montgomery County
12 for Mr. Thompson?

13 A. February 12th.

14 Q. February 12th. How did you find out about
15 it?

16 A. Sheriff Hamp notified me.

17 Q. When did he notify you of this?

18 A. That particular day. I don't know a time
19 frame if that's what you're asking me.

20 Q. Before or after you arrested Mr. Thompson?

21 A. Before.

22 Q. So, the conspiracy gets -- so, Mr. Hamp
23 knew there was an arrest warrant for Mr. Thompson
24 the same day you pulled Mr. Thompson over; isn't
25 that true?

Thompson vs. State, 11/10/2014

114

1 A. When I ran Mr. Thompson's license, it came
2 back suspended, failure to appear. Every failure to
3 appear in the court, the State of Mississippi sends
4 us a warrant. That's what that's saying.

5 Q. On February 12th before you pulled
6 Mr. Thompson over, Sheriff Hamp told you there was
7 an arrest warrant for Mr. Thompson in
8 Montgomery County?

9 A. That's correct.

10 Q. So the day that you, coincidentally, ran
11 into Mr. Wiley driving the vehicle and told
12 Mr. Thompson he needed to drive the vehicle, you
13 knew at that time that there was an arrest warrant
14 out for Mr. Thompson, didn't you?

15 A. I knew it when I ran his license.

16 Q. So, when you pulled Mr. Thompson over, why
17 didn't you just arrest Mr. Thompson at that point if
18 there was an arrest warrant out for him?

19 A. Didn't -- didn't have the validity of the
20 warrant, sir. Didn't know whether -- you can say it
21 was an arrest warrant. I can say it's an arrest
22 warrant on you or me, but until you get it in hand
23 or do your homework on it, you know, you can't -- it
24 can't -- it can't become valid.

25 Q. Okay. So, because you didn't have the

Thompson vs. State, 11/10/2014

115

1 arrest warrant on hand, you needed another reason to
2 arrest Mr. Thompson, didn't you? And that's why you
3 told him you needed him to drive; isn't that the
4 truth?

5 A. No, sir, that's not another reason.

6 That's just you talking, not me. Those are your
7 words.

8 Q. All right. It turned out that there was
9 no arrest warrant, was there?

10 A. There was an arrest warrant for
11 Mr. Thompson.

12 Q. There is not an arrest warrant signed by a
13 judge from Montgomery County, is there?

14 A. There was an arrest warrant --

15 Q. Did you have it -- I'm sorry.

16 A. Go ahead.

17 Q. Okay.

18 A. There was an arrest warrant for
19 Mr. Thompson.

20 Q. Have you ever seen an arrest warrant from
21 Montgomery County signed by a judge?

22 A. No, not signed by a judge, but I have an
23 arrest warrant.

24 Q. You would agree with me for there to be a
25 warrant to arrest someone, it has to be -- you're a

Thompson vs. State, 11/10/2014

116

1 law enforcement officer. There has to be -- the
2 warrant has to be signed by a judge, doesn't it?

3 A. That's correct.

4 Q. All right. So, since you've never seen a
5 warrant signed by a judge, you can't testify that
6 Mr. Thompson ever had an arrest warrant from
7 Montgomery County, can you?

8 A. That's correct.

9 MR. COLOM: One second, Your Honor.

10 THE COURT: How much longer do you
11 think you're going to be?

12 MR. COLOM: One final question. I'm
13 almost done.

14 THE COURT: What was that?

15 MR. COLOM: One final question.

16 THE COURT: Oh, all right.

17 MR. COLOM: Thank you, Your Honor.

18 Thank you very much.

19 BY MR. COLOM: (Continuing)

20 Q. Why didn't the Tunica County Sheriff's
21 Office take Mr. Thompson to the hospital after y'all
22 arrested him?

23 A. I'm sorry?

24 Q. Why didn't y'all take Mr. Thompson to the
25 hospital after he told y'all -- why didn't y'all

Thompson vs. State, 11/10/2014

117

1 call the ambulance and have the ambulance take
2 Mr. Thompson to the hospital?

3 A. You say why didn't we or why did we?

4 Q. Why did you not?

5 A. We did. There was an ambulance called for
6 Mr. Thompson. Mr. Thompson was -- Mr. Thompson's
7 blood pressure -- he said his blood pressure was up.
8 We called the ambulance. They checked him out.
9 They said everything was good. We established --
10 Lt. Hopson took Mr. -- and another investigator took
11 Mr. Thompson to the Baptist Desoto Hospital, which I
12 have records of here, and he was checked.

13 Q. You got copies of Mr. Thompson's medical
14 records?

15 A. I don't have copies of Mr. Thompson's
16 medical records. I have copies of the communication
17 between Lt. Hopson, who took Mr. Thompson to the
18 hospital. Mr. Thompson knew he was taken to the
19 hospital.

20 MR. COLOM: No further questions.

21 THE COURT: All right. Let me
22 interrupt you for a second. I think we
23 need to take a break.

24 (OFF THE RECORD.)

25 THE COURT: Are you ready?

Thompson vs. State, 11/10/2014

118

1 MR. COLOM: I rest -- well, I tender
2 the witness, Your Honor.

3 THE COURT: You have any other
4 witnesses?

5 MS. TURNER: I was just going to
6 redirect.

7 THE COURT: Okay.

8 REDIRECT EXAMINATION BY MS. TURNER:

9 Q. Mr. Jones, I just want to go back to the
10 day in question, February 12th, and get a few
11 things clear in your testimony. When you stopped
12 Mr. Wiley and Mr. Thompson, did you know ahead of
13 time who was driving the vehicle?

14 A. No, ma'am, I didn't.

15 Q. And once you discovered that Mr. Wiley's
16 license was in question; that you weren't sure about
17 whether it had been suspended or not, what did you
18 do next?

19 A. I talked, started talking. I asked
20 Mr. Thompson a couple of questions in reference to
21 his driver's license, the validity of his license.
22 I asked him was he licensed, did he have license.
23 He replied, yes, he did.

24 MR. COLOM: I want to object, Your
25 Honor. This is -- this testimony has

Thompson vs. State, 11/10/2014

119

1 already been asked and answered. It's
2 cumulative. It's unnecessary to go over
3 it again, Your Honor.

4 MS. TURNER: Well, I'm just laying the
5 foundation for getting started back in
6 with what exactly happened that day. I
7 just want to clear up some things from his
8 previous testimony, Judge.

9 MR. COLOM: Clear up a few things? I
10 don't know what she needs to clear up.
11 She had a chance to read the record, but
12 if there's something specific she wants to
13 add, there's some new testimony that's
14 responsive to my cross-examination, I
15 think it would be, you know, for the sake
16 of expediency, just get to that.

17 MS. TURNER: That's what I'm trying to
18 do.

19 THE COURT: You may continue.

20 BY MS. TURNER: (Continuing)

21 Q. All right. You were cross-examined
22 earlier by counsel opposite regarding a transcript
23 from justice court.

24 A. Yes, ma'am.

25 Q. Do you recall that?

Thompson vs. State, 11/10/2014

120

1 A. I recall it. I do.

2 Q. Do you recall what actually happened that
3 day when you talked to Mr. Thompson?

4 A. Yes, ma'am.

5 Q. Okay. Could you tell the Court what
6 exactly you said and what exactly was said to you?

7 A. Again, after the validity of Mr. Wiley's
8 license, we didn't know what was going on with him.
9 I asked Mr. Thompson do -- I had already made up my
10 mind that Mr. Wiley wasn't going to drive the
11 vehicle until we find out what's going on with his
12 license.

13 I asked Mr. Thompson two questions. I asked
14 him was his license valid. He replied, yes, they
15 were. He said, yes, sir. That's what he told me,
16 ma'am. And I asked him is his license -- do he have
17 license. I'm sorry. That's the first thing I asked
18 him. He said, yes, sir. I asked him again were
19 they valid. He said, yes, sir.

20 Q. And then you stated earlier you felt like
21 he was being deceptive based on your training and
22 experience. What about his response made you feel
23 that way?

24 A. When I talked with Mr. Thompson, he never
25 did make eye contact with me. He looked away from

Thompson vs. State, 11/10/2014

121

1 me. He answered the question, but didn't make eye
2 contact with me. From that point on, I knew
3 beforehand his license was suspended and I was
4 concerned why was he lying to me at that particular
5 time.

6 Q. Now, you also testified that there was a
7 chance that, maybe, he'd gotten reinstated from the
8 time. Is it true that that's something --

9 MR. COLOM: I'm going to object.

10 THE WITNESS: Yes.

11 MR. COLOM: That's a leading question.
12 She's trying to lead the witness into the
13 answer she wants.

14 MS. TURNER: I'll rephrase the
15 question.

16 THE COURT: Okay. Please rephrase the
17 question.

18 BY MS. TURNER: (Continuing)

19 Q. Do you recall your earlier testimony when
20 we were here today?

21 A. Yes, ma'am.

22 Q. Okay. What were some of the concerns you
23 had about his license?

24 A. Well, were they still suspended or has
25 Mr. Thompson paid his fine to get his license

Thompson vs. State, 11/10/2014

122

1 reinstated to Jackson.

2 Q. Okay.

3 A. Those were my concerns.

4 Q. I just wanted to be clear because you say
5 you knew the license was suspended. You knew at one
6 time?

7 A. That's correct. I knew his license --

8 MR. COLOM: Objection.

9 THE WITNESS: -- was suspended when I
10 ran them.

11 MR. COLOM: Objection. Again, leading
12 the witness.

13 MS. TURNER: I'll strike that. I
14 think I got the protocol.

15 THE COURT: Well, I'm going to sustain
16 the objection. Do not lead the witness.
17 So, are you going to continue the
18 examination?

19 MS. TURNER: I am, Judge.

20 BY MS. TURNER: (Continuing)

21 Q. Okay. So, after that, prior to
22 Mr. Thompson taking control of the vehicle, did you,
23 in any way, force Mr. Thompson to take control of
24 the vehicle?

25 A. No, ma'am.

Thompson vs. State, 11/10/2014

123

1 Q. okay. what precipitated him taking
2 control of the vehicle? what happened?

3 A. when I asked him was his license valid,
4 Mr. Thompson answered, yes, yes, sir, they are.
5 From that point on, I -- I wasn't going to let --
6 Mr. Wiley couldn't drive the vehicle because we were
7 still waiting on Tennessee database or someone to
8 let us know what does "eligible for reinstatement"
9 mean.

10 From that point on, I asked Mr. Thompson to
11 take -- no, he has to drive -- he was going to have
12 to drive the vehicle. we can't, you know -- from
13 that point, he got in the vehicle and he traveled
14 Highway 61 North, started traveling north on Highway
15 61.

16 Q. okay. Why did you stop the vehicle at
17 that time?

18 A. Well, I felt Mr. Thompson was being
19 deceptive. So, what I did was call a Terry stop on
20 him, a quick investigation to find out what was
21 going on with his license, things of that nature
22 with it.

23 MR. COLOM: Counselor, I want to
24 object to that. First of all, that
25 question was asked and answered. I'm

Thompson vs. State, 11/10/2014

124

1 going to move to strike that answer
2 because now he's giving a completely
3 different answer than his previous
4 testimony.

5 And it's quite clear he's been
6 instructed to give that answer from the
7 prosecutor. So, you know, this is, oh, I
8 need to do a Terry stop. But, previously,
9 he testified the only reason he pulled
10 Mr. Thompson over was because he thought
11 that Mr. Thompson was being deceptive, and
12 he admitted that that was not probable
13 cause to pull somebody over.

14 Now, on the redirect, the prosecutor
15 has just gotten to offer completely new
16 testimony that it was something to do with
17 a Terry stop. He didn't testify to that
18 in his direct; he didn't testify to it in
19 his cross-examination. Now, on redirect,
20 he's offering completely new testimony.

21 MS. TURNER: Your Honor, he's not
22 objecting to my question. He's objecting
23 to the answer that he's given. He's
24 allowed to testify to what his memory is.
25 I'm trying to clear up what his leading

Thompson vs. State, 11/10/2014

125

1 testimony brought out based on all of
2 these speculations and innuendoes that
3 there was some kind of conspiracy going
4 on. He didn't object to my question.
5 He's objecting to his answer.

6 MR. COLOM: Your Honor, I object to
7 the question. It's asked and answered.
8 And the testimony, testimony can also be
9 objectionable. And hearsay is testimony,
10 but it's objectionable. I'm saying his
11 testimony is cumulative. He's offering
12 new testimony that is directly
13 contradicted from his own previous
14 testimony.

15 In fact, it is quite clear -- if the
16 Court gives me redirect, I'm going to --
17 I'll ask him. It's quite clear that the
18 prosecutor told him to say this. You
19 know, to offer it as new testimony to try
20 to justify the stop.

21 He's already said -- Your Honor, you
22 heard him -- I pulled him over because I
23 thought he was being deceptive and I admit
24 to you that under the Constitution I don't
25 really have probable cause to pull

Thompson vs. State, 11/10/2014

126

1 somebody over because I think they're
2 being deceptive.

3 Now, he's saying it was a Terry stop.
4 why didn't he mention that before?
5 Because the prosecutor had told him to say
6 that.

7 MS. TURNER: Your Honor, he's
8 paraphrasing what he said earlier, and he
9 has every right to testify to what he
10 remembers happened that day.

11 THE COURT: All right. I'm going to
12 allow you to continue. Ask that question
13 again.

14 BY MS. TURNER: (Continuing)

15 Q. Okay. What I asked was what precipitated
16 the stop the second time on Mr. Thompson?

17 A. Again, I felt Mr. Thompson was being
18 deceptive, lying to me about what was going on with
19 the validity of his license, things of that nature
20 right there. So, I -- as he took control of the
21 vehicle, I did a Terry stop on him, a quick
22 investigative stop on Mr. Thompson, to find out -- I
23 found out then his license was suspended.

24 Q. Okay. When you pulled him over, do you
25 recall, approximately, how long it took for you to

Thompson vs. State, 11/10/2014

127

1 pull him over? From the time you pulled him over
2 'til the time that you were able to verify one way
3 or the other whether his license was valid, do you
4 recall how long that took?

5 A. Maybe, a minute from the time I pulled him
6 over in Wendy's parking lot there and got him out.
7 Mr. Thompson stepped out of the vehicle. He was
8 right beside me when everything was going on. I ran
9 his license. He heard dispatch say they came back
10 suspended from Montgomery County. Mr. Thompson
11 asked me -- he was standing right beside me -- where
12 is that located at. I told him between Grenada
13 County and Jackson. He said, oh, I remember.

14 Q. And, after that, that's when you made the
15 arrest?

16 A. That's correct. I told him, you know,
17 what the protocol was and made the arrest.

18 Q. All right. Earlier there was some
19 testimony about the policy of the sheriff's
20 department. Do you recall the piece of paper that
21 was given to the Judge that was entered into
22 evidence?

23 A. Yes, ma'am, I do.

24 Q. All right. And you had something in your
25 hand?

Thompson vs. State, 11/10/2014

128

1 A. Yes, ma'am. I was holding it up earlier
2 trying to get someone's attention. This is dated
3 December 7th, 2012, license suspension -- suspended
4 and revoked.

5 MR. COLOM: I'm going to object to
6 that, Your Honor. That document is
7 hearsay. It has no foundation for it to
8 be admitted into evidence.

9 MS. TURNER: I was about to do that.
10 He just kept talking. Would you allow me,
11 Your Honor?

12 THE COURT: Go ahead.

13 BY MS. TURNER: (Continuing)

14 Q. Okay. Do you recall all the questions
15 about policy? Is this some additional documentation
16 that you have for this Court regarding the policy of
17 the sheriff's department as it pertains to stopping
18 people who do not have a valid drivers license?

19 A. Yes, ma'am.

20 Q. Okay. What is that?

21 A. The pol -- the --

22 Q. Is it a memo?

23 A. It's a memo.

24 MS. TURNER: Your Honor, may I
25 approach? May I approach?

Thompson vs. State, 11/10/2014

129

1 THE COURT: Yes, ma'am.

2 BY MS. TURNER: (Continuing)

3 Q. What is this document?

4 A. It's a memo, reference from Commander
5 Eugene Bridges dated December 7th, 2012, license
6 suspended --

7 MR. COLOM: I'm going to object, Your
8 Honor. The document is hearsay. That
9 document is a memo from someone else other
10 than the witness. The witness can't
11 authenticate it. Only the person who
12 wrote the memo can authenticate that he
13 wrote that memo that was sent out. And
14 so, he doesn't have the -- he doesn't have
15 foundation. You can't make a foundation
16 to admit it into evidence.

17 MS. TURNER: Your Honor, if we were
18 talking about policy and we entered the
19 whole policy of the sheriff's department,
20 we need this to also be entered into
21 evidence because this is part of the
22 policy. If that document is not hearsay,
23 this is not hearsay. It's all policy of
24 the sheriff's department. That's what
25 this is, a memorandum regarding the policy

Thompson vs. State, 11/10/2014

130

1 and procedure of the sheriff's department
2 as it pertains to this particular type of
3 stop.

4 MR. COLOM: Your Honor, may I respond
5 to that? Because that's not a basis to
6 get around the fact that they can't
7 authenticate the document if that document
8 was written by someone who's not here to
9 testify. He just said a captain
10 such-and-such wrote that document.

11 THE WITNESS: No, I didn't.

12 MR. COLOM: So, if captain
13 such-and-such wrote that document, only
14 captain such-and-such can authenticate the
15 document. Not the sheriff and, certainly,
16 not this witness. They got to have the
17 person who wrote the document authenticate
18 that I wrote this document and I -- it was
19 a memo and I submitted it to the sheriff's
20 office. They can't just have a witness
21 say such-and-such wrote this document.
22 They can't lay the foundation.

23 THE WITNESS: He's here.

24 THE COURT: How was that memo
25 circulated?

Thompson vs. State, 11/10/2014

131

1 THE WITNESS: The memo came from
2 Commander Eugene Bridges. He's in the
3 courtroom.

4 THE COURT: How was that circulated?

5 THE WITNESS: Circulated?

6 THE COURT: Yes.

7 THE WITNESS: You mean when?

8 THE COURT: I mean, what procedure did
9 the sheriff's department use for you to
10 get that memo?

11 THE WITNESS: Yes, it was in the file.
12 It's dated December 12th -- December 7th,
13 2012.

14 THE COURT: I mean --

15 THE WITNESS: This memo we had for all
16 patrol, captains, everybody, from
17 Commander Eugene Bridges, the commander
18 who patrols everyone and this is his memo
19 dated -- putting out to all of us.

20 THE COURT: Did all of the deputies
21 get that --

22 THE WITNESS: All sworn deputies, yes,
23 sir.

24 THE COURT: -- get that memo?

25 THE WITNESS: All sworn deputies, yes,

Thompson vs. State, 11/10/2014

132

1 sir.

2 THE COURT: Is that something that
3 normally happens --

4 THE WITNESS: Yes, sir.

9 THE COURT: Okay. I'm going to
10 overrule the objection.

11 MR. COLOM: Thank you, Your Honor.

12 BY MS. TURNER: (Continuing)

Q. Could you just tell us, basically, what is the policy regarding stopping someone who's found to have an invalid drivers license? What is --

20 MS. TURNER: Sure. I showed it to
21 you. Your Honor, it's perfectly within
22 the scope because we got into the policy.
23 He even wanted to enter the policy into
24 evidence. This is part of the policy.
25 It's clearly within the scope.

Thompson vs. State, 11/10/2014

133

1 THE COURT: Does anybody have that
2 original policy that the sheriff -- that
3 was introduced through the sheriff's
4 testimony?

5 MS. TURNER: Yes. I'm sorry. What
6 was the question?

7 THE COURT: Does anybody have a copy
8 of that policy that was introduced through
9 the sheriff's testimony?

10 MS. TURNER: The only copy I knew of
11 was the copy that was given to Your Honor.
12 I don't have another copy of that if
13 that's what you're asking.

14 MR. COLOM: Where's the exhibit?

15 MS. TURNER: Here's the exhibit.

16 THE COURT: Now, is that document now
17 offered as an exhibit?

18 MS. TURNER: Yes. This is Exhibit
19 No. 2.

20 MR. COLOM: And my objection, you
21 can't authenticate this document. He
22 didn't write it.

23 THE COURT: Did you receive that
24 document as part of your job as deputy
25 sheriff?

Thompson vs. State, 11/10/2014

134

1 THE WITNESS: Yes, sir. Every
2 sworn --

3 THE COURT: Is that memo part of what
4 is normally circulated to the deputies
5 from the sheriff?

6 THE WITNESS: Yes, sir. From the
7 chain of command, that's correct. Yes,
8 sir.

9 MS. TURNER: And, Your Honor --

10 THE WITNESS: It's protocol.

11 THE COURT: Through the chain of
12 command?

13 THE WITNESS: That's correct.

14 MS. TURNER: And, Your Honor, it would
15 be -- it would be a record. It would be a
16 business record, as well.

17 THE WITNESS: We all have access to
18 it. We all get it, everyone.

19 THE COURT: So, that's a business of
20 the sheriff's office?

21 THE WITNESS: Sir?

22 THE COURT: That constitutes part of
23 the business for the sheriff's department?

24 THE WITNESS: Yes.

25 THE COURT: Is that memo put in a

Thompson vs. State, 11/10/2014

135

1 particular file?

2 THE WITNESS: That's correct, memos
3 are put in files, kept, when they're
4 circulated through the sheriff's
5 department to all sworn deputies. That's
6 correct.

7 THE COURT: I'm going to overrule
8 that, as well.

9 MS. TURNER: Mark that as an exhibit.

10 THE COURT: Would that be Exhibit 2?

11 MS. TURNER: Yes, sir.

12 (**EXHIBIT NO. 2, MEMO DATED DECEMBER 7TH, WAS ADMITTED**
13 **INTO EVIDENCE.**)

14 BY MS. TURNER: (Continuing)

15 Q. I'm handing you what's been marked as
16 Exhibit 2. Can you tell us what the policy is in
17 that memo regarding stopping someone who's found to
18 have an invalid drivers license?

19 A. (Reading) Reference: Licenses suspended
20 or revoked. Please be advised that on this date,
21 December 7th, 2012, on any traffic stops where the
22 driver is driving on a suspended or revoked license,
23 the driver will be transported to the Tunica County
24 jail. If any deputy fails to comply with this memo,
25 disciplinary actions -- disciplinary action will

Thompson vs. State, 11/10/2014

136

1 be -- will be action. For any questions or
2 concerns, please contact me immediately. That's
3 chain of command.

4 Q. So, earlier when counsel opposite was
5 making a big deal about whether or not you had
6 discretion to actually make an arrest on
7 Mr. Thompson, did you have any discretion?

8 A. No, ma'am. Discretion was to follow that,
9 follow protocol, follow chain of command.

10 Q. So, you did what you felt you had to do?

11 A. Yes, ma'am.

12 Q. Otherwise, you'd be disciplined?

13 A. Exactly.

14 Q. You were also asked about press releases
15 and stuff. Is that something that you normally have
16 personal knowledge of? Like, do you issue press
17 releases to the press on behalf of the sheriff's
18 department?

19 A. No, ma'am.

20 Q. Okay. Do you know who all has the
21 authority to do that?

22 A. Whoever the sheriff designate. It
23 normally would be the chief deputy or possibly a
24 commander. That's how it go, or the sheriff
25 himself.

Thompson vs. State, 11/10/2014

137

1 Q. okay. Do you know who issued this press
2 release that counsel opposite keeps saying was
3 issued? Do you know who did that?

4 A. No, ma'am.

5 Q. But did you have anything to do with it?

6 A. No, ma'am.

7 Q. And when you got to the police station --
8 I mean, the sheriff's department with
9 Michael Thompson, did you go ahead and book him in
10 and all that? What was the procedure?

11 A. You follow process. You follow protocol.
12 I did the necessary paperwork on Mr. Thompson. I
13 made sure Mr. Thompson was in a comfortable setting,
14 talked with him, and everything was taken care of
15 for Mr. Thompson.

16 Q. There was some talk about whether or not
17 he went to the hospital. Was he given a bond?

18 A. He was given a bond, but before that,
19 Mr. Thompson said that he wasn't feeling good, his
20 blood pressure was up. So, we contacted the
21 ambulance service here. They came to the jail.
22 From that point, they checked Mr. Thompson's blood
23 pressure and other things and stated that he wasn't
24 -- he didn't need to be transported by the
25 ambulance.

Thompson vs. State, 11/10/2014

138

1 So, when that occurred, we all -- we got
2 with Lt. Hopson and told him to take another
3 investigator, and they took Mr. Thompson to Baptist
4 Desoto, themselves, and they had his blood pressure
5 and everything checked there. Everything was fine
6 and they brought Mr. Thompson back. Mr. Thompson got
7 back and that's when Mr. Thompson bonded out.

8 Q. And you heard some of the earlier
9 objections from counsel opposite regarding your and
10 my communications, didn't you?

11 A. Yes, ma'am.

12 0. You're aware of that?

13 A. Yes, ma'am.

14 | 0. What, if anything, have I advised you?

15 A. Nothing.

16 o. okay.

A. To tell the truth.

18 o. To tell the truth?

19 A. That's it.

20 MS. TURNER: Court's indulgence for
21 just a minute.

22 THE COURT: Okay.

23 (A BRIEF PAUSE.)

24 MS. TURNER: That's all I have.

25 | MR. COLOM: Your Honor, a brief

Thompson vs. State, 11/10/2014

139

1 recross? There was some testimony that
2 was --

3 MS. TURNER: Your Honor, I would
4 object. We did not -- we stayed within
5 the scope, clearly stayed within the
6 scope.

7 MR. COLOM: I'll be brief, Your Honor.

8 THE COURT: You object to this
9 exhibit?

10 MR. COLOM: Your Honor, briefly, may I
11 look at it again? May I question him on
12 it?

13 THE COURT: I'm going to allow him to
14 question him on it.

15 MR. COLOM: Thank you.

16 THE COURT: And, Ms. Attorney, if you
17 have any additional questions, I'm going
18 to allow you also.

19 MS. TURNER: Okay.

20 RECORDS-EXAMINATION BY MR. COLOM:

21 Q. Now, you understand you're under oath?

22 A. That's correct.

23 Q. You said under oath this attorney didn't
24 tell you anything about the word "Terry" stop?

25 A. Terry stop came up when I talked with the

Thompson vs. State, 11/10/2014

140

1 attorney during our break.

2 Q. Okay. So, the attorney did bring up to
3 you Terry stop?

4 A. No. The attorney -- Terry stop came up
5 when we talked ourselves, all of us, during the
6 break, sir.

7 Q. By you talking yourselves, you're talking
8 about the attorney and Mr. Hamp, I mean the sheriff,
9 Mr. Hamp, right?

10 A. That's correct.

11 Q. So, during the lunch break, Terry stop,
12 while y'all were talking, that came up, right?

13 A. That's correct.

14 Q. I mean, that's why you offered that new
15 testimony? When she questioned you, that came
16 about. She told you to say that?

17 A. No, no, sir. No, sir, that's not true at
18 all.

19 Q. It just happen to come up during the
20 break?

21 A. That's correct. And I wanted to answer it
22 a different way. I couldn't answer. You wouldn't
23 allow me to get to the -- you know, get a word in,
24 so.

25 Q. Well, I mean, she directed you, didn't

Thompson vs. State, 11/10/2014

141

1 she? Before I questioned you, she questioned you,
2 right?

3 A. That's correct.

4 Q. And when she questioned you, you didn't
5 say anything about a Terry stop, did you?

6 A. She didn't ask me the same question you
7 did, sir.

8 Q. Now, this policy that's dated
9 December 12th -- December 7th, 2012, you didn't
10 write this, did you?

11 A. No, sir.

12 Q. All right. And you say this was in some
13 type of file. You got any proof that this was in
14 some file?

15 A. That's -- I don't have -- I'm sure. I
16 mean, I don't have proof with me right now if that's
17 what you're asking me.

18 Q. Yes.

19 A. But it does go in a file memo.

20 Q. Isn't it true that you could have wrote
21 this today?

22 A. No, sir.

23 Q. Typed this out -- let me finish my
24 question. You could have took a Tunica County
25 letterhead, right, and wrote this out?

Thompson vs. State, 11/10/2014

142

1 MS. TURNER: Objection, saying he
2 could have. He's asking him totally
3 irrelevant, speculative --

4 THE COURT: Let me just ask him. Did
5 you write that today --

6 THE WITNESS: No, sir.

7 THE COURT: -- after lunch --

8 THE WITNESS: No, sir.

9 THE COURT: -- when we took lunch?

10 THE WITNESS: No, sir. No time today,
11 Your Honor.

12 BY MR. COLOM: (Continuing)

13 Q. Now, you weren't in here when the sheriff
14 testified though, were you?

15 A. No, sir.

16 Q. And you didn't hear the sheriff say, in
17 fact, despite this alleged memo that patrolmen have
18 discretion about whether they arrest somebody when
19 they are pulled over for driving with suspended
20 licenses? You didn't hear him say that?

21 A. No, sir.

22 Q. He's the top officer there at the
23 sheriff's office, right?

24 A. Yes, that's correct.

25 Q. His policy, it's higher than whoever this

Thompson vs. State, 11/10/2014

143

1 alleged person is, Eugene Bridges. Eugene Bridges
2 is in the chain of command under the sheriff, right?

3 A. That's correct.

4 MR. COLOM: No further questions.

5 THE COURT: Do you wish to question
6 this witness?

7 MS. TURNER: I don't have anymore
8 questions of this witness.

9 THE COURT: All right. Call your next
10 witness then.

11 MS. TURNER: Karen Carter.

12 (A BRIEF PAUSE.)

13 THE COURT: Is he going to be finally
14 excused?

15 MS. TURNER: Yes, Your Honor. I have
16 no plans to recall him.

17 MR. COLOM: I have no intentions on
18 calling him again, Your Honor.

19 THE COURT: All right.

20 MS. TURNER: May it please the Court?

21 THE COURT: Go ahead.

22 MS. KAREN CARTER,

23 having been duly sworn, was examined
24 and testified as follows, to wit:

25 EXAMINATION BY MS. TURNER:

Thompson vs. State, 11/10/2014

144

1 Q. Would you state your name for the record,
2 please.

3 A. Karen Carter.

4 Q. Ms. Carter, what is your position?

5 A. Justice Court Clerk, Montgomery County.

6 Q. Okay. How long have you been in that
7 capacity?

8 A. Fourteen years.

9 Q. And, as part of your job, do you
10 frequently give information to other law enforcement
11 agencies regarding the status of people in your
12 system, warrants and things of that nature?

13 A. Yes, ma'am.

14 Q. Do you recall speaking to the sheriff
15 that's here today, Sheriff Hamp?

16 A. Yes, ma'am.

17 Q. And do you remember, approximately, when
18 that was?

19 A. Not without looking. I probably put a
20 note on the computer, but right off the top of my
21 head, no.

22 Q. And do you recall what y'all discussed?

23 A. A ticket on Mr. Thompson.

24 Q. And do you remember what information was
25 supplied to the sheriff regarding that?

Thompson vs. State, 11/10/2014

145

1 A. That we had it suspended and the address I
2 had was in Brandon, and I don't send warrants to
3 Jackson because they don't help out, and that's when
4 he told me he was in his county.

5 Q. And when you say it was suspended, are you
6 talking --

7 A. His drivers license, yes, ma'am. I'm
8 sorry.

9 Q. You were just confirming that to the
10 sheriff?

11 A. Right. Because the ticket had not been
12 paid and that I had sent it -- we had sent in the
13 paperwork to Jackson to suspend the drivers license,
14 yes.

15 MS. TURNER: May I approach the
16 witness, Your Honor? May I approach the
17 witness?

18 THE COURT: Yes.

19 BY MS. TURNER: (Continuing)

20 Q. I'm going to have you take a look at these
21 documents and let you tell me what they are. And
22 then, after you tell me what they are, we'll get
23 into some more testimony. If you could just
24 identify each one, first.

25 A. There's two court abstracts, one from each

Thompson vs. State, 11/10/2014

146

1 ticket. There is a warrant for the speeding ticket,
2 a copy of both of the tickets, and the paperwork we
3 send to the Department of Public Safety for
4 suspension.

5 Q. Okay. And are these records all part of
6 your job? Do you keep control of these records,
7 your office?

8 A. Yes.

9 Q. And I see they have a stamp at the bottom.
10 You certify all of these documents, right?

11 A. Yes.

12 Q. And did you come here today to testify
13 about these?

14 A. Yes, ma'am.

15 MS. TURNER: At this time, Your Honor,
16 I would like to admit these into evidence
17 as State's Exhibit 3.

18 THE COURT: It may be received.

19 MS. TURNER: And that's cumulative,
20 Your Honor, because there's several
21 different pieces of paper, but I will have
22 her identify each one as she testifies
23 about it.

24 THE COURT: Okay.

25 (EXHIBIT NO. 3, COURT DOCUMENTS, WAS ADMITTED INTO

Thompson vs. State, 11/10/2014

147

1 EVIDENCE.)

2 BY MS. TURNER: (Continuing)

3 Q. This first one, this marked Exhibit 3,
4 could you just tell us what that is?

5 A. That's an arrest warrant.

6 Q. And who is that arrest warrant on?

7 A. Michael Lawrence Thompson.

8 Q. Okay. Does it give you an address for
9 Mr. Thompson?

10 A. A Brandon address.

11 Q. Okay. What is that?

12 A. 227 Turtle Lane.

13 Q. What about a drivers license number?

14 A. You want me to tell it? It's on here. Do
15 you want me to tell you what's on it?

16 Q. Yes, ma'am. It's not a Social Security --

17 MR. COLOM: Objection, Your Honor.

18 It's not relevant to give his drivers
19 license number. It's in the records.

20 MS. TURNER: It's just for
21 identification purposes; that it is the
22 same Michael Thompson that the ticket was
23 written to.

24 THE COURT: I'm going to allow that.

25 BY MS. TURNER: (Continuing)

Thompson vs. State, 11/10/2014

148

1 Q. It's not a Social Security Number,
2 correct?

3 A. Correct.

4 Q. What is that number?

5 A. 801248705.

6 Q. Okay. And do you have a date on that
7 warrant?

8 A. February 12th, 2014.

9 Q. Okay. I'm going to hand you another piece
10 of paper. What is this?

11 A. That is a court abstract on the speeding
12 ticket.

13 Q. Okay. And what does that speeding ticket,
14 court abstract tell us? What information about the
15 ticket is on there?

16 A. That it was found guilty.

17 Q. That Mr. Thompson was found guilty?

18 A. Yes.

19 Q. And when was that court date held?

20 A. Court date was August 6th, 2013.

21 Q. Okay. And does it tell whether or not
22 Mr. Thompson showed up for court or was it a guilty
23 plea or how did he -- how was he found guilty? Does
24 it state?

25 A. I don't think it does state on here. It

Thompson vs. State, 11/10/2014

149

1 does on our computer, but I don't think it does on
2 our abstract.

3 Q. Okay. It just says he was found guilty?

4 A. Right. The judgement of the court was
5 found guilty.

6 THE COURT: Are those documents
7 retained by you in the normal course of
8 your business as the clerk?

9 THE WITNESS: Yes, sir.

10 BY MS. TURNER: (Continuing)

11 Q. And this is another one that you brought.
12 Could you identify that document?

13 A. That's the court abstract on the ticket
14 for no or expired inspection sticker.

15 Q. Okay. And what was the disposition on
16 that?

17 A. That one was dismissed.

18 Q. Okay. And could you tell us what this is?

19 A. This is the form that we send in to
20 Mississippi Department of Public Safety for whatever
21 reason if we have to send it in to Jackson to
22 suspend, be it failure to pay or failure to appear.

23 Q. And who is that letter on? Who is it
24 about?

25 A. Michael Thompson.

Thompson vs. State, 11/10/2014

150

1 Q. Okay. And what does the letter say?

2 A. That it was a failure to appear.

3 Q. Okay. And --

4 A. Yes. This is what we send to Jackson to
5 suspend.

6 Q. Okay. So, that letter was actually sent
7 to the Department of Public Safety?

8 A. Correct.

9 Q. By y'all's office?

10 A. Correct.

11 Q. To suspend the license of Mr. Thompson?

12 A. Correct.

13 Q. Okay. Do you know when that letter was
14 sent?

15 A. August 6th, 2013.

16 Q. 2013?

17 A. Uh-huh, (affirmative)

18 Q. And you may or may not -- you brought
19 these, but do you recognize those?

20 A. Those are the tickets that we receive from
21 the highway patrol.

22 Q. So, would those be the tickets that are
23 associated with the two court abstracts that you
24 read from previously?

25 A. They are.